



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Merrill Lynch Business Financial Services, Inc.
Plaintiff(s),

-against-

Welko, Inc., Sam Kohl, Caren Kohl, John Doe
1 and 12, the last twelve names being
fictitious and known to plaintiff, being
persons having or claiming an interest in
or lien upon collateral described in the complaint
Defendant(s).

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TO: The Attorney(s) for Plaintiff(s):

07cv3900(GBD)
INITIAL PRETRIAL
CONFERENCE

This case has been designated an electronic case and has been assigned to this court for all purposes. Counsel for all parties are required to promptly register as filing "USERS" in accordance with the procedure for Electronic Case Filing.

Counsel for all parties are hereby directed to attend a conference at the time and place fixed below, for the purpose of Case Management and scheduling pursuant to Fed. R. Civ. P. 16. You are directed to furnish all attorneys in this action with copies of this order and enclosures, and to furnish chambers with a copy of any transmittal letter(s). If you are unaware of the identity of counsel for any of the parties, you must forthwith send a copy of the notice and rules to that party personally.

An Initial pretrial conference will be held on **Thursday, August 16, 2007 at 9:30 a.m.** at the United States District Courthouse, 500 Pearl Street, New York, New York, Courtroom 15D.

No application for adjournment will be considered unless made within one week of the date of this application.

Enclosed is a proposed Case Management Plan and Scheduling Order, pursuant to Rules 16 and 26 (f) of the Federal Rules of Civil Procedure. Counsel for all parties are directed to confer regarding the proposed plan and order. If the proposed schedule is agreeable to all parties, counsel shall sign and file the enclosed plan and order with the Court seven (7) days before the date of the initial pretrial conference. If counsel agrees that a different plan and schedule is appropriate, counsel shall sign and file a different proposed plan and schedule for the court's consideration seven (7) days before the date of the pretrial conference. In the absence of agreement, the Court, after hearing from counsel, will order a Case Management Plan and schedule at the conference. Absent extraordinary circumstances, the Plan shall provide that the case be ready for trial within six months.

In addition to the matters covered in the Case Management Plan, counsel should also be prepared to address at the conference the factual and legal bases for their claims or defenses, any issue as to subject matter jurisdiction, and any other issue relevant to case management.

Dated: May 23, 2007
New York, New York

SO ORDERED:

George B. Daniels

GEORGE B. DANIELS
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Merrill Lynch Business Financial Services, Inc.,
Plaintiff,

-against-

Welko, Inc., Sam Kohl, Caren Kohl,
John Doe 1 and 12, the last twelve
names being fictitious and known to
plaintiff, being persons having or claiming
an interest in or lien upon collateral described
in the complaint,

Defendant,

-----X

07cv3900(GBD)
CIVIL CASE MANAGEMENT
PLAN AND SCHEDULING ORDER

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. No **additional parties** may be joined after **November 15, 2007**.
2. No **amendment** to the pleadings will be permitted after **November 15, 2007**.
3. Except for good cause shown, all **discovery** shall be commenced in time to be completed by **February 14, 2008**. The Court expects discovery to be completed within 90 days of the first scheduling conference unless, after the expiration of that 90 day period, all counsel stipulate that additional time (not to exceed 60 more days) is needed to completed discovery. In such event, discovery may be extended by the parties on consent, without application to the Court, provided the parties are certain they can still meet the discovery completion date ordered by the Court. The discovery completion date shall not be adjourned except upon a showing of extraordinary circumstances.
4. **Dispositive motions** are to served by **February 21, 2008**. Answering papers are to be served within 14 days. Reply papers are to be served within seven (7) days. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three(3) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the motion.
5. A final **pretrial conference** will be held on **April 17, 2008 at 9:30 a.m.**
6. The **Joint Pretrial Order** shall be filed no later than **March 13, 2008**. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.
7. **All motions and applications** shall be governed by the Court's Individual Rules of Practice.

8. The parties shall be **ready for trial** on 48 hours notice on or after **May 8, 2008**.
The estimated trial time is _____ days, and this is a (jury) (non-jury) trial.
9. The **Next Case Management Conference** will be held on **January 17, 2008 at 9:30 a.m.**

Dated: May 23, 2007
New York, New York

SO ORDERED:

GEORGE B. DANIELS
United States District Judge

Attorney for Plaintiff

Attorney for Defendant